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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/580,685	05/30/2000	Charles Douglas Blewett	1999-0076	1770

7590 07/16/2003

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EXAMINER

LE, DANH C

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 07/16/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/580,685

Applicant(s)

BLEWETT ET AL.

Examiner

DANH C LE

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Steward (US 6,571,221).

As to claim 1, Steward teaches a method for providing temporary wireless services on a pay per use basis over a wireless local area network (figure 1 and col.5, line 47-col.6, line 9), comprising:

providing a temporary wireless service connection to a user;

determining a usage amount incurred by the user for the temporary wireless service connection; and

charging the user for the determined usage amount for the temporary wireless service connection (col.12, lines 23-32).

As to claim 17, Steward teaches the system for providing a temporary wireless service connection to a user's wireless device (figure 1), comprising:

a wireless device (111); and

a local wireless network for establishing a temporary wireless service connection to the wireless device, determining a usage amount for the temporary wireless service connection (col.5, line 47-col.6, line 9), and

charging for the usage amount for the temporary wireless service connection (col.12, lines 23-32).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steward in view of Kari (US 6,480,485).

As to claim 2, Steward teaches the method of claim 1. Steward fails to teach the providing a temporary wireless service connection to the user includes dynamically assigning an IP address to the user. Kari teaches the providing a temporary wireless service connection to the user includes dynamically assigning an IP address to the user (col.4, lines 46-53). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Kari into the system of Steward in order to enhance system performance of the network communication service with an improved subscriber model using digital certificates.

As to claim 3, the combine of Steward and Kari teaches the method of claim 1, wherein the usage amount is determined by how many minutes the user was provided the temporary wireless service connection (Kari, col.4, line 54-col.5, line 6).

As to claim 4, the combine of Steward and Kari teaches the method of claim 1, wherein the usage amount is determined per byte transferred by the user (Kari, col.4, line 54-col.5, line 6).

As to claim 5, the combine of Steward and Kari teaches method of claim 1, wherein the usage amount is determined per transaction incurred by the user (Kari, col.4, line 54-col.6, line 52).

As to claim 6, the combine of Steward and Kari teaches method of claim 1, wherein the usage amount is determined per packet transferred by the user (Kari, col.4, line 54-col.6, line 52).

3. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Steward in view of Hamilton (US 6,496,499).

As to claim 7, Steward teaches the method of claim 1. Kari fails to teach the wireless service connection is provided to the user using an 802.11 standard wireless protocol connection. Hamilton teaches the wireless service connection is provided to the user using an 802.11 standard wireless protocol connection (col.4, line 65-col.5, line 10). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Hamilton into the system of Steward in order to enhance the system performance of the packet radio network with charging information collected by nodes and forwarded to billing center.

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Steward in view of Mumick (US 5,751,798)

As to claim 8, Steward teaches the method of claim 1. Kari fail to teach further comprising: receiving a wireless service termination signal from the user. Mumick teaches receiving a wireless service termination signal from the user (col.4, lines 39-57). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Mumick into the system of Steward in order to enhance the system performance of the packet radio network with charging information collected by nodes and forwarded to billing center.

5. Claims 9-12, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steward in view of Brunner (US 6,298,234).

As to claim 9, Steward teaches the method for providing a temporary wireless service connection to one or more users in a wireless local area network (figure 1), comprising:

establishing a temporary wireless service connection for the user;
determining a usage amount for the temporary wireless service connection for the user; and
charging the user for the usage amount for the temporary wireless service connection (col.12, lines 23-32).

Steward fails to teach receiving a request for temporary wireless service from a user before the establishing step above. Brunner teaches receiving a request for temporary wireless service from a user before the establishing step above (col.4, line

55-col.5, line 30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Brunner into the system of Steward in order to enhance the system performance of the packet radio network with charging information collected by nodes and forwarded to billing center.

6. Claims 10-12, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steward, Brunner in view of Kari.

As to claim 10, the combine of Steward and Brunner teaches the method of claim 9.

the combine of Steward and Brunner fails to teach the user is charged for the usage amount based on the number of minutes the user was provided with the temporary wireless service connection. Kari teaches the user is charged for the usage amount based on the number of minutes the user was provided with the temporary wireless service connection (col.4, line 54-col.5, line 6). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Kari into the system of Steward and Brunner in order to enhance the system performance of the packet radio network with charging information collected by nodes and forwarded to billing center.

As to claim 11, the combine of Steward, Brunner and Kari teaches the method of claim 9, wherein the usage amount is determined by the amount of data transferred by the user (Kari, col.4, line 54-col.5, line 6).

As to claim 12, the combine of Steward, Brunner and Kari teaches the method of claim 9, wherein the step of establishing a temporary wireless service connection for the user includes dynamically assigning an IP address to the user (Kari, col.4, lines 46-53).

As to claim 18, the combine of Steward, Brunner and Kari teaches the system of claim 17, wherein the wireless device is a personal digital assistant (Kari, figure 1, 102).

As to claim 19, the combine of Steward, Brunner and Kari teaches the system of claim 17, wherein the usage amount is determined by one of the following:

per packet transferred, per time used, per transaction transacted and per byte transferred (Kari, col.4, line 54-col.5, line 6).

As to claim 20, the combine of Steward, Brunner and Kari teaches the system of claim 17, wherein the local wireless network includes a facility for assigning a dynamic IP address to the wireless device (Kari, col.4, lines 46-53).

7. Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steward and Brunner in view of Freeny (US 6,490,443).

As to claim 13, Steward and Brunner teaches method of claim 9. Kari and Brunner fails to teach the step of establishing a temporary wireless service connection for the user includes receiving payment information from the user. Freeny teaches the step of establishing a temporary wireless service connection for the user includes receiving payment information from the user (col.53, line 58-col.4. line 23). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Freeny into the system of Steward and Brunner in order

to enhance the system performance of the packet radio network with charging information collected by nodes and forwarded to billing center.

As to claim 14, Steward and Brunner teaches the method of claim 13. Kari and Brunner fails to teach the step of establishing a temporary wireless service connection for the user includes verifying the payment information received from the user. Freeny teaches the step of establishing a temporary wireless service connection for the user includes verifying the payment information received from the user (col.8, lines 58-col.9, line 4). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Freeny into the system of Kari and Brunner in order to enhance the system performance of the packet radio network with charging information collected by nodes and forwarded to billing center.

As to claim 15, the limitation of the claim is the same limitation of claim 8; therefore, the claim is interpreted and rejected for the same reason as set forth as claim 8.

As to claim 16, the limitation of the claim is the same limitation of claim 14; therefore, the claim is interpreted and rejected for the same reason as set forth as claim 14.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANH C LE whose telephone number is 703-306-0542. The examiner can normally be reached on 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM TROST can be reached on 703-308-5318. The fax phone

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numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

A handwritten signature in black ink, appearing to read "Danh", is written over a horizontal line.

Danh C. Le
July 9, 2003

A handwritten signature in black ink, appearing to read "W. Trost", is written above the printed name.

WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600